

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4042 OF 2005**

Anita Hanumant Radhakrishna

...Applicant

Vs.

M/s. Albright & Wilson Chemicals
India Ltd. & Anr. ...Respondents

Shri. Suresh A. Malkani for the Applicant.
Mr. Prakash Naik for the Respondents.

**CORAM : A.S.OKA, J.
DATED : JULY 19, 2005.**

P.C.:

1. Heard Counsel appearing for the parties. The prayer made in this Criminal Application is for modification of condition imposed in order dated 4th May, 2005 by the learned Additional Sessions Judge at Kalyan. The conviction of the Applicant is under section 630 of the Companies Act, 1956. In an Appeal preferred by the Applicant, on Application made by her, order dated 4th May, 2005 has been passed. By the said order learned Additional Sessions Judge suspended the Judgment and the order directing the Applicant to hand over premises subject matter of the complaint to the complainant-Company on executing P.R. Bond in the sum of Rs.20,000/-. The Applicant was allowed to furnish two local sureties of Rs.10,000/- each.

2. The learned Counsel for the Applicant submitted that the Applicant is not in a position to furnish two local sureties. The case of the Applicant is that she is a 'vada-pav' vendor and considering the

influence of the original complainant, no one is offer himself as surety. The learned Counsel for the Respondent No.1 supported the impugned order.

3. Considering the averments made in the Application, I am of the view that order needs modification to some extent. The condition imposed for suspending the order of delivery of possession needs modification. The Applicant will have to be permitted to furnish P.R. Bond in sum of Rs.10,000/- with one or two local sureties in the like amount.

4. Accordingly, I pass the following order:

: O R D E R :

i) The impugned order dated 4th May, 2005 passed by the learned Additional Sessions Judge, Kalyan is modified by directing that the order of suspension passed by the learned Judge will be subject to Applicant furnishing P.R.Bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) Application is disposed of in the above terms with no orders as to costs.

iii) Parties to act upon an authenticated copy of this order.

JUDGE